

Improvement Res. No. 1015-1959

For the Opening of an alley over  
portions of Lots 16, 17 and 18 in  
Eliza K. Bossler's Sub.

Resolution Adopted:

Nov. 18, 1959

Confirmed:

Dec. 7, 1959

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Report Completed:

Assessment Roll Confirmed:

Feb. 11, 1960

1015

DECLARATORY RESOLUTION NO. 1015-1959

For the Opening of an alley over portions of Lots 16,  
17 and 18 in Elisa K. Bossler's Sub.

PLANS ORDERED:

ADOPTED: Nov. 18, 1959

ADVERTISE NOTICE TO PROPERTY OWNERS: Nov. 23 and 30, 1959

HEARING ON CONFIRMATION: Mon., Dec. 7, 1959, 6:30 p.m. IST.

CONFIRMED: Dec. 7, 1959

ASSESSMENT ROLL ORDERED: Dec. 7, 1959

ASSESSMENT ROLL APPROVED: Jan. 25, 1960

HEARING ON CONFIRMATION  
OF ASSESSMENT ROLL: Thurs., Feb. 11, 1960, 6:30 p.m. IST.

NOTICE SERVED: Jan. 29, 1960

ASSESSMENT ROLL CONFIRMED: Feb. 11, 1960

For the ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility purposes~~

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to

All as shown by a plan of such proposed ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows:

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof

The ~~vacation~~ of the above described shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits

All Streets, lots and lands affected by the above described ~~vacation~~ are situated in the north-west quarter of Section 17, Township 3 North, Range 1 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 18th day of November 1959  
By the Board of Public Works  
J. C. Cooper  
B. B. B. B. B.  
C. B. B. B. B.

~~1014~~ 1015-1959



7 B.B. - f done  
Have it done  
p 13 29 2/9  
B0 261-58

OFFICE OF  
BOARD OF PUBLIC WORKS



6.  
2-27

FORT WAYNE 2, INDIANA

Date February 5, 1959

To Mr. Edward Green, City Engineer

Subject ENCROACHMENT - Ashbaugh Property

The Board of Public Works, at its regular meeting of February 4, 1959, met with Mrs. Mary Ashbaugh (Lesh), concerning the encroachment upon the alley west of Spy Run Avenue north from the St. Mary's River. Mrs. Ashbaugh is willing to dedicate a portion of her property west of the alley to compensate for the encroachment upon the alley. It will be necessary to survey the Ashbaugh property which is Lot No. 5, Bossler's Addition to the City of Fort Wayne in order to determine the property needed to open the alley from the St. Mary's River north.

It is noted on the previous survey that the Ashbaughs are encroaching upon City Property to the south of the house and it will be also necessary to survey this section. The City, in turn, will dedicate the encroachment to the Ashbaughs (Lesh), so their title will not indicate encroachment on City property.

May the Board have an immediate survey to accomplish the acts necessary to clear the Ashbaugh property and also provide an alley easement for the property owners north of the St. Mary's River. Enclosed is the plat plan of the area.

BOARD OF PUBLIC WORKS

Signed J. L. Hallett, Adm. Asst.

Reply: JLH:jc Encl: plat

February 24, 1959

Attached is a plan covering a survey of the property in question which is Lot #5 and Lot #18 in Bossler Addition, which plan also shows the encroachment onto Lot #5 owned by the City of Fort Wayne and encroachment of the dedicated alley lying between these two lots.

Also attached are descriptions of the land necessary to be dedicated and deeded between the owners of these lots and the City so that a satisfactory outlet can be provided for the area in question. It should be noted that the proposed dedication will leave the City owning 8 lots north of this Lot #18 and it might be feasible to arrange for the City to acquire all of Lot #18 in connection with this transaction.

Edward Green  
Edward Green,  
City and Administrative Engineer

EG/mkh  
attaches.

NOTED

FEB 26 1959

Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY



EO 261-58

February 5, 1959

Mr. Edward Green, City Engineer

**ENCROACHMENT - Ashbaugh Property**

The Board of Public Works, at its regular meeting of February 4, 1959, met with Mrs. Mary Ashbaugh (Lesh), concerning the encroachment upon the alley west of Spy Run Avenue north from the St. Mary's River. Mrs. Ashbaugh is willing to dedicate a portion of her property west of the alley to compensate for the encroachment upon the alley. It will be necessary to survey the Ashbaugh property which is Lot No. 5, Bossler's Addition to the City of Fort Wayne in order to determine the property needed to open the alley from the St. Mary's River north.

It is noted on the previous survey that the Ashbaughs are encroaching upon City Property to the south of the house and it will be also necessary to survey this section. The City, in turn, will dedicate the encroachment to the Ashbaughs (Lesh), so their title will not indicate encroachment on City property.

May the Board have an immediate survey to accomplish the acts necessary to clear the Ashbaugh property and also provide an alley easement for the property owners north of the St. Mary's River. Enclosed is the plat plan of the area.

**BOARD OF PUBLIC WORKS**

J. L. Hallett, Adm. Asst.  
JLH:jc      Encl: plat

*action taken  
per J. L. H.  
6/17/58*

June 10, 1958

TO: BOARD OF PUBLIC WORKS

*(261-B)*

SUBJECT: B.O. No. 261-1958 Concerning the Alley Opening  
Between Spy Run Avenue and St. Marys River, from  
St. Marys River to the Railroad Spur.

I am attaching Mr. Brown's report on this subject addressed to you and approved by me.

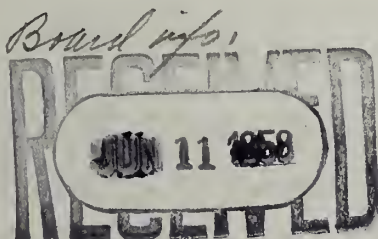
In addition to the information contained in Mr. Brown's letter, I wish to add the following comments.

The alley does not exist south of the southerly line of Lot No. 4 in Bosslers Addition, except out in the river. It appears to me that if any alley is to be opened into this territory it should be properly dedicated across lots 3 and 4 in that Addition, which is property owned by the City. At the north end of this alley as dedicated there is no outlet, although private property has been used for ingress and egress for many years. It appears to me that if we are to compel the property owners of Lot 5 in Bosslers Addition to remove the shed which is in the dedicated alley, We must also compel that property owner to remove portions of the house which are on Lot 4. We would certainly not be consistent unless we also condemned right-of-way for the alley across Lot 6 in Eliza Bossler's Subdivision. This property is owned by Alma H. Belot and we are informed that she is not interested in selling any part of this land or in dedicating property for alley purposes. It is my recommendation that the northerly end of this alley be opened by dedication or other appropriate means and that the southerly end of the alley be cleared of obstructions and a right-of-way dedicated across lots 4 and 5 as indicated on Plat No. 2 attached hereto.

*Edward Green*

Edward Green,  
City and Administrative Engineer

EG:ew  
attachs.





# City of Fort Wayne



ENGINEERING DEPARTMENT

FORT WAYNE, INDIANA

425 SOUTH CALHOUN STREET

June 9, 1958

TO: Board of Public Works

Subject: Alley opening between etc., etc.

Attaching herewith:

1. Letter & sketch received from Board
2. Plat No. 1 showing property ownership in area involved.
3. Plat showing south end of involved area and alley.

Plat #1 shows that there is at present no dedicated outlet for the alley in question although a driveway across City property has been developed (see Plat #2). Outlet at the north end is blocked by Lot #6 whose owner appears reluctant to sell or vacate, and the south end has been absorbed by the St. Mary's River.

Plat #2 shows the frame house and attached garage encroaching both onto City property and with the alley effectually blocking the same, covering all but 3.2 feet of the dedicated 12 feet. It also shows the way in which the abutting property owners have utilized the City property for private driveways.

Recommendation-First, that the owner of the property on the west end of Lot #5 be required to remove their encroachment on the alley and the City property.

The required grade of the north approach to the new Lafayette Street bridge will require that any outlet of this alley with Spy Run be placed as far north as possible.

Secondly that the present stone and cinder driveway be removed and the driveway re-located as shown.

A handwritten signature in blue ink, reading "Floyd B. Brown".

Floyd B. Brown  
PROJECT ENGINEER

APPROVED:

---

CITY ENGINEER

FBB:es



OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

41-152-2

B. O. 261A-'58

Date Dec. 7, 1959

To City Engineer

Subject Dec. 1015-1959

For the Opening of an alley over portions of Lots 16, 17 and 18 in Eliza K. Bossler's Sub.

Prepare Assessment Roll of Benefits and Damages; the property owners benefited to be assessed costs of advertising.  $\$1.00$  —  $\$1.00$

John Cooper  
Berkeley Ward  
Orin M. Darling  
BOARD OF PUBLIC WORKS  
ic  
attach Res. & P. O. List

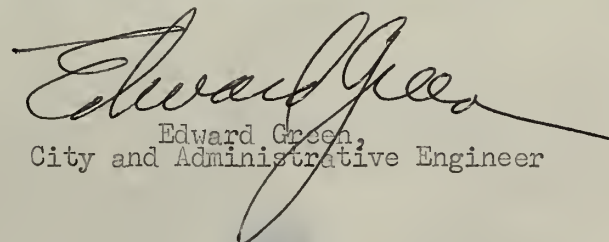
Signed \_\_\_\_\_

Reply:

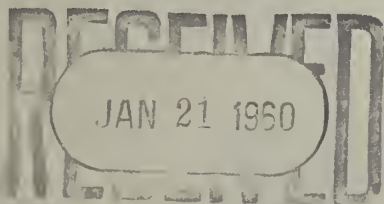
December 11, 1959

Assessment Roll of benefits and damages completed and attached.

Per verbal instructions from Mr. Hallett, it was prepared on the basis of  
 $\$1.00$  Benefits —  $\$1.00$  Damages.

  
Edward Green,  
City and Administrative Engineer

DB/is  
attachs.



Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

6

ag 11-18

BO 261-58

Date September 2, 1959

To Mr. Edward Green, City Engineer

Subject OPENING - Alley between Spy Run Ave. and St. Mary's River

The transaction involving the deeding of Lot 18, Eliza K. Bossler's Subdivision, to the City of Fort Wayne by the Ashbaugh's and the deeding of a portion of land to the City by the Ashbaugh's nearly completes the whole transaction for the opening of an alley from the St. Mary's River north. It now becomes necessary that the City vacate the portion of the alley outlined in red on the attached plan and opening the alley in the portion that is outlined in orange, yellow, and green, as a public alley.

This may all be done on one resolution. Prepare a resolution to accomplish this. It was pointed out by the Legal Department that it will be necessary to have public hearings in regards to this vacation and opening; therefore, prepare a property ownership list for those abutting the line of this alley, as they are the benefactors.

BOARD OF PUBLIC WORKS

J. L. Hallett  
J. L. Hallett, Adm. Asst.

JLH:jc  
Attach: plan  
Signed \_\_\_\_\_

*7BB*  
*DB*  
*eg 9/2* NOV. 17 1959  
NOTED

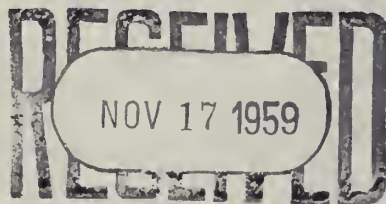
Reply:

November 16, 1959

Resolutions, drawings and property ownership lists completed and attached. A resolution was not prepared for the area in green because it has not been definitely determined where the alley should be located.

Edward Green D.B.  
Edward Green,  
City and Administrative Engineer

DEB/mkh  
attachs.



Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY



September 3, 1959

Mr. Robert C. Shambaugh  
County Auditor  
Allen County Court House  
Fort Wayne, Indiana

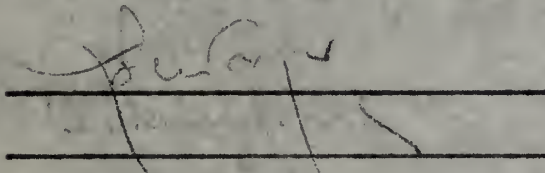
Dear Sir:

The City has acquired the following tract of land from  
Mary A. Ashbaugh Lesh and Brooks D. Lesh for alley purpose  
as per deed recorded in Book 558, pages 515-16:

Lot Number 18 Eliza K. Bossler's Subdivision  
of part of Lot 5 in Wells Reserve and of Lots  
1 and 2 in Bossler's Addition to the City of  
Fort Wayne, Allen County, Indiana.

It is therefore requested that appropriate steps be taken  
to remove said Real Estate from the Tax Roll.

Very truly yours,



BOARD OF PUBLIC WORKS

ms



September 3, 1959

Mr. Robert C. Shambaugh  
County Auditor  
Allen County Court House  
Fort Wayne, Indiana

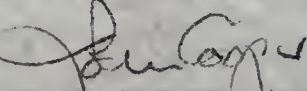
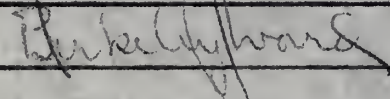
Dear Sir:

The City has acquired the following tract of land from  
Mary A. Ashbaugh Lesh and Brooks D. Lesh for alley purpose  
as per deed recorded in Book 558, pages 515-16:

Lot Number 18 Eliza K. Bossler's Subdivision  
of part of Lot 5 in Wells Reserve and of Lots  
1 and 2 in Bossler's Addition to the City of  
Fort Wayne, Allen County, Indiana.

It is therefore requested that appropriate steps be taken  
to remove said Real Estate from the Tax Roll.

Very truly yours,

  
\_\_\_\_\_  
  
\_\_\_\_\_

BOARD OF PUBLIC WORKS

ms

Date June 10, 1959

To: Board of Public Works

Subject: Ashbaugh Property located at Spy Run Avenue and St. Mary's River

Per instructions received on a dictaphone tape we have forwarded a drawing and five (5) property descriptions to William B. Merrill showing the property to be exchanged between Frank E. & Mary A. Ashbaugh and the City of Fort Wayne, Indiana.

Your file on this project is attached.

*Edward Green D.B.*  
Edward Green,  
City and Administrative Engineer

EG/il  
attachs.



SURVEY OF  
LOTS 3 & 4 BOSSLEY'S  
TOWNSHIPS OFFICE  
C-3-5P



PLAT # 2

56.56





State of California }  
County of Alameda }

592

516

I, the undersigned, a Notary Public for  
the County and State, this 27th day of August,  
1952, personally appeared the within named person,  
being and known to be the same, who being of the age  
of twenty-one (21) years, and acknowledged the execution of  
the foregoing deed.

In witness whereof, I have hereunto subscribed my name  
and affixed my official seal.

S/ Milton A. Meinzen

Notary Public

Milton A. Meinzen

In Commission expires

7-28-54

Witnessed by

S/ William B. Merrill

William B. Merrill

Associate City Attorney

City of Port Wren, Indiana

WARRANTY DEED

12044

558

517-18

THIS UNDERTAKING WITNESSETH THAT CITY OF FORT WAYNE, INDIANA, AN Indiana municipal corporation, of Allen County, in the State of Indiana, comess and warrants to MARY A. ASHBAUGH 12044, of Allen County, in the State of Indiana: for and in consideration of One \$11,000 Dollar and other valuable considerations, the receipt whereof is hereby acknowledged, the following real estate in Allen County, in the State of Indiana, to-wit:

A part of Lot Number 4 in Boullier's Addition to the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

beginning at the Northwest corner of said Lot Number 4 in Boullier's Addition, thence East along the North line of the aforesaid Lot Number 4 a distance of 45 feet, thence South parallel to the preceding line a distance of 8 feet, thence West and parallel to the North line of said Lot Number 4 a distance of 45 feet and thence North along the West line of Lot Number 4 a distance of 8 feet to the point of beginning.

IN WITNESS WHEREOF the said CITY OF FORT WAYNE, INDIANA, an Indiana municipal corporation by and through its Mayor and attested by its Clerk, has hereunto set its hand and seal

21st day of August 1950.

S/ Robert E. Meyers  
Robert E. Meyers, Mayor of the  
City of Fort Wayne, Indiana

S/ Walter C. Meyers  
Walter C. Meyers, City Clerk,  
City of Fort Wayne, Indiana



STATE OF INDIANA }  
COUNTY OF ALLEN } SS:

558

518

Before me, a Notary Public, in and for said County and State, on this 21 day of August, 1957, personally appeared Robert E. Meyers, known by me to be the Mayor of the City of Fort Wayne, an Indiana municipal corporation, and Walter G. Meyers, known by me to be the City Clerk of the City of Fort Wayne, an Indiana municipal corporation, who acknowledged the execution of the within Warranty Deed as their voluntary act and deed for and on behalf of said City of Fort Wayne, an Indiana municipal corporation.

Lillian M. Summers  
Notary Public

My Commission expires:

10-29-62

Prepared by:

S/ William B. Merrill

William B. Merrill  
Associate City Attorney



STATE OF INDIANA :  
COUNTY OF ALLEN :

Before me, the undersigned, Notary Public in and for said County and State, personally appeared this 27th day of August, 1959, WILLIAM E. MILLER, Vice President of the Anthony Wayne Bank, and acknowledged execution of the foregoing partial release of mortgage for and on its behalf, for the uses and purposes therein contained.

S/- Milton A. Meinzen  
Milton A. Meinzen

My commission expires:

3-22-62

Prepared by: A. EVERETT BLOOM  
Attorney at Law  
Fort Wayne, Indiana



THIS INSTRUMENT WITNESSETH THAT CITY OF FORT WAYNE, INDIANA, an Indiana municipal corporation, of Allen County, in the State of Indiana, conveys and warrants to MART A. ASHBALOW, of Allen County, in the State of Indiana, for and in consideration of One (\$1.00) Dollar and other valuable considerations, the receipt whereof is hereby acknowledged, the following real estate in Allen County, in the State of Indiana, to-wit:

A part of Lot Number 4 in Bosler's Addition to the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Lot Number 4 in Bosler's Addition, thence East along the North line of the aforesaid Lot Number 4 a distance of 45 feet; thence South normal to the preceding line a distance of 8 feet; thence west and parallel to the North line of said Lot Number 4 a distance of 45 feet and thence North along the West line of Lot Number 4 a distance of 8 feet to the point of beginning.

IN WITNESS WHEREOF the said CITY OF FORT WAYNE, INDIANA, an Indiana municipal corporation by and through its Mayor and attested by its Clerk, has hereunto set its hand and seal

21st day of August, 1939.

S/ Robert E. Meyers

Robert E. Meyers, Mayor of the City of Fort Wayne, Indiana

S/ Walter C. Meyers

Walter C. Meyers, City Clerk,  
City of Fort Wayne, Indiana

WAS ENTERED FOR RECORD

STATE OF INDIANA }  
COUNTY OF ALLEN } 55:

558

510

Before me, a Notary Public, in and for said County and State, on this 21 day of August, 1959, personally appeared Robert E. Meyers, known by me to be the Mayor of the City of Fort Wayne, an Indiana municipal corporation, and Walter C. Meyers, known by me to be the City Clerk of the City of Fort Wayne, an Indiana municipal corporation, who acknowledged the execution of the within Warranty Deed as their voluntary act and deed for and on behalf of said City of Fort Wayne, an Indiana municipal corporation.

Lillian M. Summers  
Notary Public

My Commission expires:  
10-29-62

Prepared by:  
S/ William B. Merrill

William B. Merrill  
Associate City Attorney

Richard Hartman  
Allen County Recorder  
1959 Aug 28 PM 3:06



27th

August

S/ Milton A. Meinzen

S/ William B. Merrill

12941

PARTIAL RELEASE OF MORTGAGE

Recorded at  
Allen County Recorder's  
Office on 08/26/80 3:05

For Value Received  
27 1978

FOR VALUE RECEIVED - The undersigned, LUTHER WAYNE BARN  
of Carl, Warren, Indiana, mortgagee named in a certain mortgage  
dated April 2, 1978, by MARY E. LAMBERT for EIGHT THOUSAND  
FIVE HUNDRED AND NO/100 DOLLARS (\$8,500.00) and being recorded  
April 2, 1978, in Mortgage Record 270 at page 183 in the Mort-  
gage Records of Allen County, Indiana, and hereby releases from  
the lien, force and effect of said mortgage the following de-  
scribed real estate in Allen County, Indiana, to-wit:

Lot Number 18 Eliza K. Beckwith, sub-  
division of part of Lot 1 in Miller  
Traverse and of Lot 11 and 2 in Buckeye  
addition to the City of Fort River,  
Allen County, Indiana

Said mortgage is hereby in full release and effect as to  
the remainder of the said Eliza Beckwith, sub-division

WITNES: my hand and seal this 27th day of August

1978

WITNESS MY HAND

by E/ William E. Miller  
WILLIAM E. MILLER, VICE  
PRESIDENT

STATE OF INDIANA :  
COUNTY OF ALLEN : SS

Before me, the undersigned, Notary Public in and for said County and State, personally appeared this 27th day of August, 1959, WILLIAM E. MILLER, Vice President of the Anthony Wayne Bank, and acknowledged execution of the foregoing partial release of mortgage for and on its behalf, for the uses and purposes therein contained.

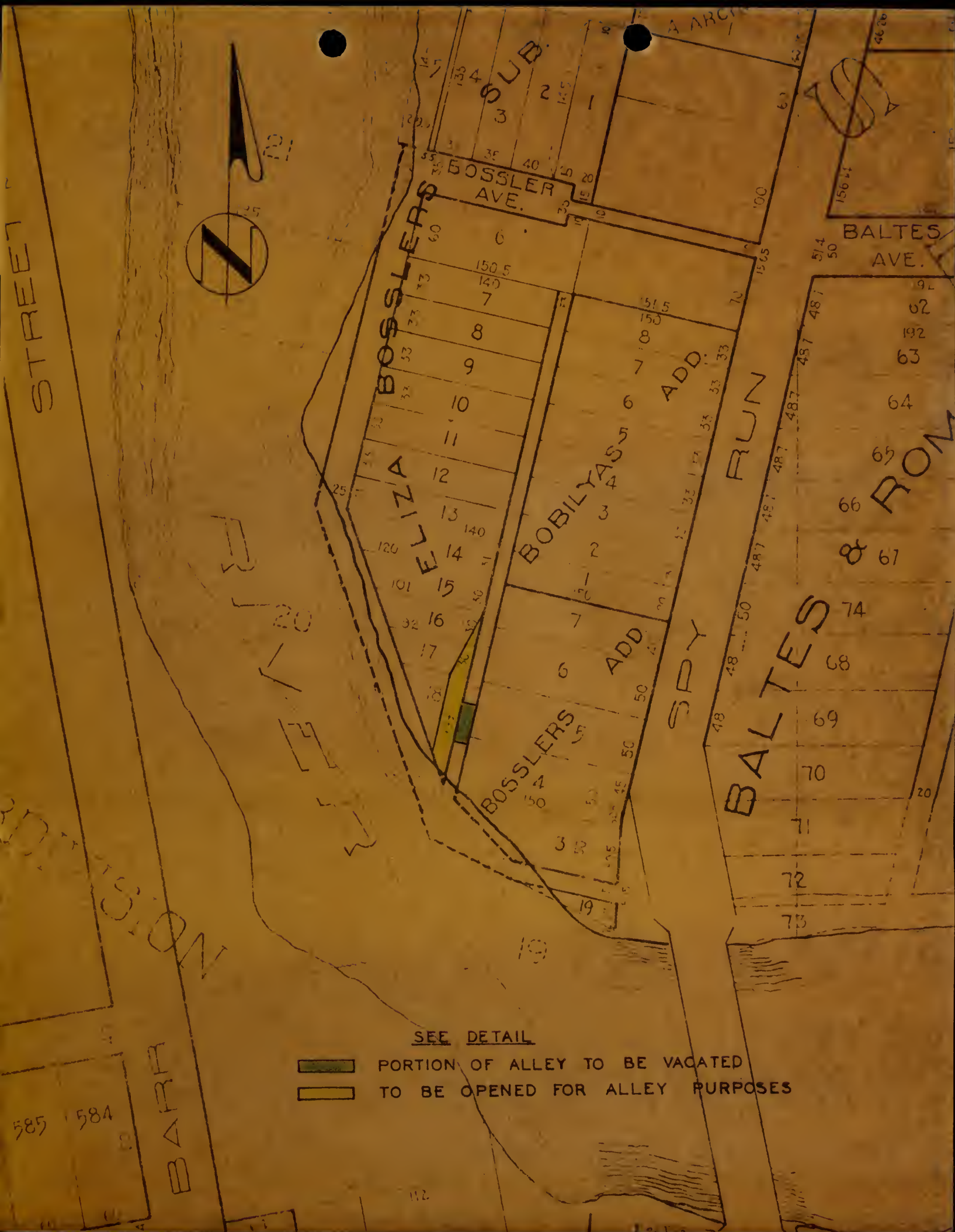
S/ Milton A. Meinzen  
NOTARY PUBLIC  
Milton A. Meinzen

My commission expires:

3-22-62

Prepared by: A. EVERETT BLOOM  
Attorney at Law  
Fort Wayne, Indiana





# DETAIL



# NOTICE OF IMPROVEMENT

## OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, ..... **November 24, 1959** .....

**1015**

To.....

.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did  
pass Improvement <sup>**Declaratory**</sup> Resolution No. **1015-1959** .....  
providing for the **opening of an alley over portions of Lots 16, 18 and 17 in Eliza K.**  
**Bossler's Sub.**

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed..... **Monday, December 7, 1959 - 6:30 pm IST.** .....  
a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by the proposed improvement.

You are hereby notified that

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

**BOARD OF PUBLIC WORKS**



AREA TO BE DEDICATED FROM LOT NO. 4, BOSSLER'S ADDITION

A part of Lot No. 4 in Bossler's Addition to the City of Fort Wayne, more particularly described as follows:

Beginning at the northwest corner of Lot No. 4 in said Bossler's Addition, thence east along the north line of the aforesaid Lot a distance of 45 feet, thence south normal to the preceeding line a distance of 8 feet, thence west and parallel to the north line of said Lot No. 4 a distance of 45 feet, thence north along the west line of Lot No. 4 a distance of 8 feet to the point of beginning.

AREA TO BE DEEDED FROM DEDICATED ALLEY

A part of a dedicated alley lying west of and adjacent to Lots No. 4 and 5 in Bossler's Addition to the City of Fort Wayne more particularly described as follows:

Beginning at a point situated on the east line of the aforesaid alley 21 feet south of the northwest corner of Lot No. 5 in said Bossler's Addition, thence south along the east line of said alley a distance of 37 feet, thence west normal to the preceeding line a distance of 12 feet, thence north and parallel to the east line of said alley a distance of 37 feet, thence east normal to the preceeding line a distance of 12 feet to the point of beginning.

AREA TO BE ACQUIRED FROM ASHBAUGH FOR ALLEY EASEMENT

All that part of Lot No. 18 in Eliza K. Bossler's Addition, as recorded in Plat Book No. 3, page 32 in the Allen County Recorder's Office more particularly described as follows:

Beginning at the northeast corner of Lot No. 18 in said Addition, thence south along the east line of said Lot, being the west line of a platted alley, a distance of 94 feet to the north bank of the St. Mary's River, thence in a north-westerly direction along the north bank of the aforesaid river a distance of 24.12 feet, thence north parallel to the east line of said Lot No. 18 a distance of 76 feet, thence east normal to the preceeding line a distance of 16 feet to the point of beginning.



OK  
time

10-10-10  
7/23/59  
9:00 a.m.

SUGGESTED RESOLUTION OF BOARD OF PUBLIC WORKS

WHEREAS, the improvement to the north approach of the newly constructed Lafayette Street Bridge across the St. Marys River in the City of Fort Wayne, Indiana, has made inaccessible the first alley west of Spy Run Avenue and north of the St. Marys River so that a new dedicated right-of-way for an alley is deemed desirable and necessary;

AND, WHEREAS, Mary A. Ashbaugh (Lesh), the owner of Lot 5 Bossler's Addition to the City of Fort Wayne, is the owner also of Lot 18 Eliza K. Bossler's Subdivision of part of Lot 5 in Wells Reserve, over which real estate a new alley can be dedicated; and, whereas, improvements owned by said Mary A. Ashbaugh (Lesh) substantially located on Lot 5 Bossler's Addition encroach on both the existing dedicated alley and on Lot 4 Bossler's Addition now owned by City of Fort Wayne, Indiana;

AND, WHEREAS, this Board of Public Works and said Mary A. Ashbaugh (Lesh) have reached an agreement, subject to the approval of the Common Council of the City of Fort Wayne, Indiana, the terms of which are designed to correct not only the inaccessibility of said dedicated alley but also to resolve the matter of the encroachments by improvements existing on the presently dedicated alley in Lot 4 Bossler's Addition;

NOW, THEREFORE, be it resolved by the Board of Public Works:

1. That upon said Mary A. Ashbaugh (Lesh) conveying to City of Fort Wayne all of Lot 18 Eliza K. Bossler's Subdivision of part of Lot 5 in Wells Reserve, that City of Fort Wayne convey to said Mary A. Ashbaugh (Lesh), subject to the approval of the Common Council of the City of Fort Wayne, the North 8 feet of the West 45 feet of Lot 4 Bossler's Addition to the City of Fort Wayne.

2. That this Board will adopt a resolution for the vacation of a part of the existing alley, which part is described as follows:

Beginning at a point 21 feet South of the North line of Lot 5 Bossler's Addition, thence extending South a distance of 37 feet,

and will vacate said part of said alley subject to the rights of interested persons who object to such vacation.

3. That this Board will dedicate a right-of-way for alley purposes upon and across Lot 4 Bossler's Addition, upon and across said existing alley, upon and across a part of Lot 18 Eliza K. Bossler's Subdivision of part of Lot 5 in Wells Reserve and upon and across parts of Lot 16 and 17 Eliza K. Bossler's Subdivision of part of Lot 5 Wells Reserve, as particularly described and designated in a survey dated February 11, 1959, prepared by the City Engineer's office of the City of Fort Wayne entitled "Survey Showing Encroachments Lots 3, 4 and 5 Bossler Ad."

And this Board further resolves that the action herein taken is and shall be contingent and dependent in each of the respects herein set out upon legal and acceptable completion of each and all of the acts to be done as described in paragraphs 1, 2 and 3 above.

June 9, 1958

TO: Board of Public Works

Subject: Alley opening between etc., etc.

Attaching herewith:

1. Letter & sketch received from Board
2. Plat No. 1 showing property ownership in area involved.
3. Plat showing south end of involved area and alley.

Plat #1 shows that there is at present no dedicated outlet for the alley in question although a driveway across City property has been developed (see Plat #2). Outlet at the north end is blocked by Lot #6 whose owner appears reluctant to sell or vacate, and the south end has been absorbed by the St. Mary's River.

Plat #2 shows the frame house and attached garage encroaching both onto City property and with the alley effectually blocking the same, covering all but 3.2 feet of the dedicated 12 feet. It also shows the way in which the abutting property owners have utilized the City property for private driveways.

Recommendation first, that the owner of the property on the west end of Lot #5 be required to remove their encroachment on the alley and the City property.

The required grade of the north approach to the new Lafayette Street bridge will require that any outlet of this alley with Spy Run be placed as far north as possible.

Secondly that the present stone and cinder driveway be removed and the driveway re-located as shown.

*Floyd B. Brown*  
Floyd B. Brown  
PROJECT ENGINEER

APPROVED:

---

CITY ENGINEER

FBB:es



OFFICE OF  
BOARD OF PUBLIC WORKS



*See in paper*  
FORT WAYNE 2, INDIANA

Date June 12, 1958

B.O. 261-B

To Edward Green, City Engineer

Subject ALLEY OPENING BETWEEN SPY RUN AVENUE AND ST. MARY'S RIVER  
FROM ST. MARY'S RIVER TO RAILROAD SPUR

Board Order No. 261 was duplicated in error. The above subject will be referred to B.O. 261-B.

*J. L. Hallett*  
J.L. Hallett, Adm. Asst.

JLH/jm

Signed \_\_\_\_\_

Reply: \_\_\_\_\_

Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 2ND COPY — RECEIVER: ANSWER KEEP 3RD COPY & RETURN 1ST COPY TO SENDER.

June 5, 1958

To Mary:

Attached file is the 1st information you have had on your desk pertaining to the subject.

My cardex will read: Spy Run Ave & St. Mary's River  
ALLEY OPENING

A folder is to be made in the front office for this info to be filed in.

Jo  
per JLH

*File  
Folder  
Front of.*

June 5, 1958

Board Order No. 261-1958

TO: MR. EDWARD GREEN, CITY ENGINEER

SUBJECT: ALLEY OPENING BETWEEN SPY RUN AVENUE AND ST. MARY'S RIVER  
FROM ST. MARY'S RIVER TO THE RAILROAD SPUR

We have received a request from Mr. John E. Williams, Attorney at Law, to open the above described alley.

Several years ago, we received the same request. From a casual survey, it appears the owner of Lot No. 5 has a garage encroaching upon the alley right-of-way.

Prepare an accurate survey; also, your opinion regarding the opening of this alley. This may take some research.

We have received conflicting opinions from property owners regarding the alley. Also, there is a question concerning the easement from this alley to Spy Run Avenue. Miss Alma Belot, property owner, questions the use of this easement for a public alley.

Attached is information we received from Inspector, William Karbach, obtained upon interviewing Miss Belot. Also attached is a Thermo-Fax copy of Mr. Williams' letter to the Board, on behalf of his client, Laverna Bollenback, and a sketch of the area involved.

BOARD OF PUBLIC WORKS

*[Handwritten signatures and initials over three horizontal lines]*

JLH/jm

attachments (3)



*Based info. Send to Engineering to check records*

*msd*



261

June 5, 1958

To: J.L. Hallett, Board of Public Works

Re: Alley Opening and Removal of Obstruction

Laverna Bollenback, owner

I called on Miss Alma Belot about deeding the property set out in drawing. She told me she was not interested in deeding any of her property for the improvement.

Miss Belot informed me that the 10 foot alley, as marked in drawing, is not an alley. This, she said, was set aside for easement for ingress and egress if at any time the back lot was used for buildings. She claims she is paying taxes on same, and as to opening alley, she said this would spoil the lot in rear for she is about ready to sell same.

Will you please have Engineer's Department check records in Court House to see if this is correct.

*Wm. Karbach*

Wm. Karbach  
Chief Inspector

WK/jm

- Attachments - 1. Letter dated May 21, 1958 from John E. Williams, Attorney.
2. Drawing, dated May 21, 1958, of alley re: Spy Run Avenue, as submitted by Mr. Williams.

RECEIVED  
MAY 22 1958

*Wms*  
JOHN E. WILLIAMS  
ATTORNEY AT LAW  
202 - 204 GETTLE BUILDING  
FORT WAYNE, INDIANA

May 21, 1958

Board of Public Works  
City of Fort Wayne  
City Hall  
Fort Wayne, Indiana.

Gentlemen:

(Laverna Bollenback, owner)  
Re: Alley Opening and Removal  
of Obstruction

Some months ago I called to the attention of your Board the need for the opening of the Alley lying between Lots 7, through 18 E.J. Bossler's Addition and Bossler's Addition and Bobilya Sub. running from the Spy Run Avenue bridge north to the terminus of the alley at the property of one Alma Belot.

My client and other property owners on the west side of Spy Run Avenue have need for the opening of the alley, but find that Mr. and Mrs. Ashbaugh who own real estate, ( Lot 5 Bosslers Addition ) have for a number of years maintained a garage which encroaches said alley about three to four feet, and they refuse to permit entrance to the alley from the south end thereof.

Due to the nearly completed Spy Run bridge the problem of owner's parking on the west side of Spy Run ave. will become greatly enhanced and the alley should be cleared of obstruction to permit use thereof by abutting owners. My client Laverne Bollenbach owns the North 35 feet of Lot 7 and is now without access to the rear of his lot.

At the northerly end of the alley one Alma Belot owns a lot which runs through from Spy Run Ave. to the river and I feel certain she will grant an easement to enable the alley to be entered from one end and used through to the street lying north of her property.

The City of Fort Wayne owns Lot 19 E.J. Bossler's Sub. as well as Lots 12 to 17 in said addition, also Lots 3 and 4 in Bossler's Addition, and there is presently located across lots 3 and 4 an alley or entrance to said alley, and the location thereof should be established and drawn on a plat to definitely fix its right of useage by the public.

I talked this matter over with your Board this A.M. and now submit the problem in writing at your suggestion, and I urged your cooperation in resolving this matter, as the power to do so rest in your Board, as I am informed.

Yours truly,

*John E. Williams*  
John E. Williams  
Attorney at Law.

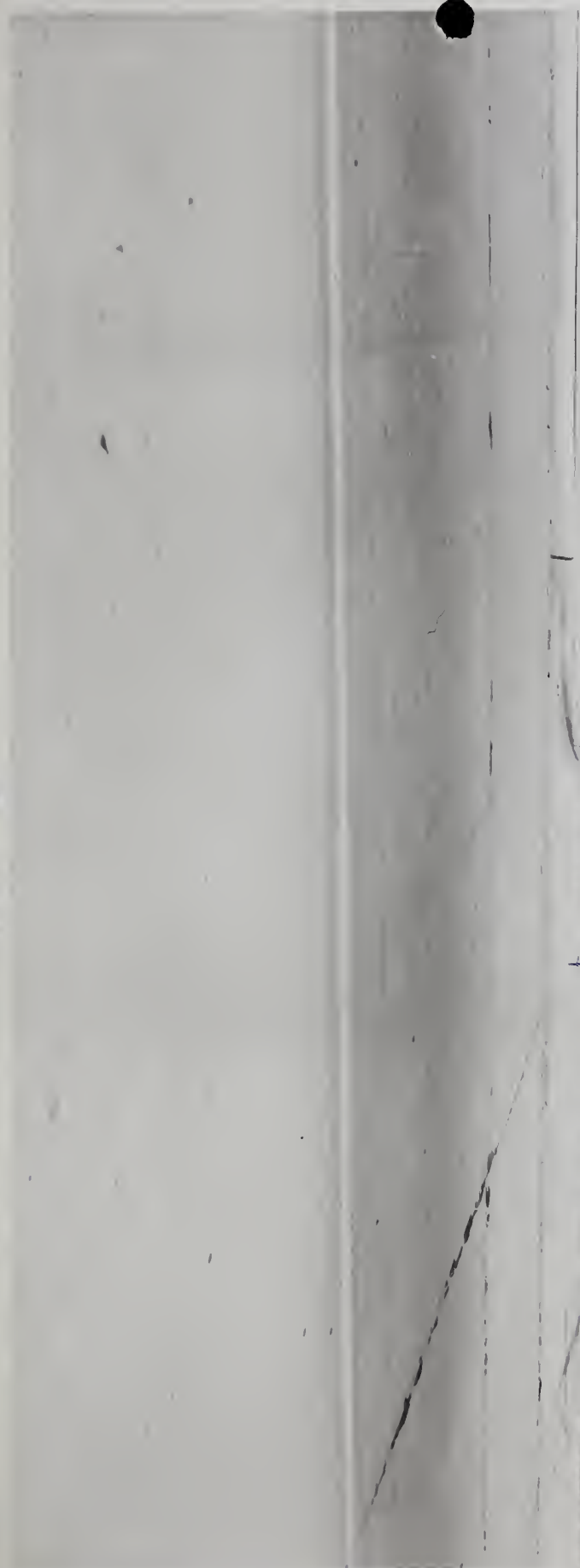
Wms/W  
See drawing attached







John Paul Alley



Wm P. Alley





15-10-57

Fly Run Alley







Hyman Alley

City of Fort Wayne  
Indiana

TELEPHONE A-7441 EX. 291



BOARD OF PUBLIC WORKS

E. J. GALLMEYER, CHAIRMAN  
JOHN H. COOPER  
ORIN M. DARLING

J. L. HALLETT  
ADMINISTRATIVE ASSISTANT  
KENNETH MCGRAW  
CLERK

January 6, 1959

Mrs. Mary Ashbaugh  
1119 Spy Run Avenue  
Fort Wayne, Indiana

Dear Mrs. Ashbaugh:

As the owner of record of Lot Number 5 Bossler's Addition to the City of Fort Wayne, Indiana, you are hereby notified that you are unlawfully maintaining a building upon an alley immediately adjacent to your property to the west. This alley is the first alley west of Spy Run Avenue, which runs from the St. Mary's River north to Bossler Avenue.


Under the laws of the State of Indiana as well as under the municipal code of the City of Fort Wayne, the City of Fort Wayne is required to keep open and free from obstruction all streets and alleys within the City. You are hereby notified that the building which you are maintaining in this alley to the extent of eight (8) feet eight (8) inches of the width of said alley must be removed from said alley within thirty (30) days and that failure on your part to so remove said building will require the City of Fort Wayne at the end of said thirty day period from the time of the receipt of this notice, to remove said building from the alley at your expense.

Very truly yours,

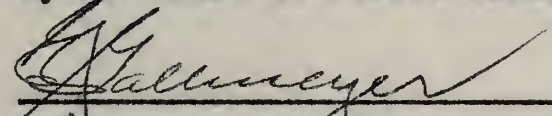
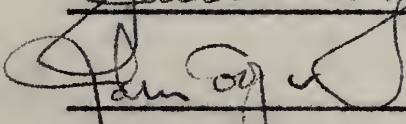
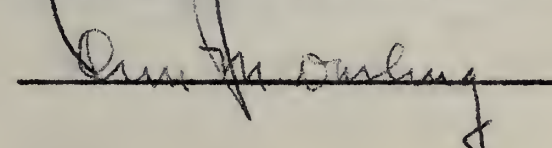
The original of this letter was delivered, in person, to Mrs. Mary Ashbaugh this 7th day of January, 1959.

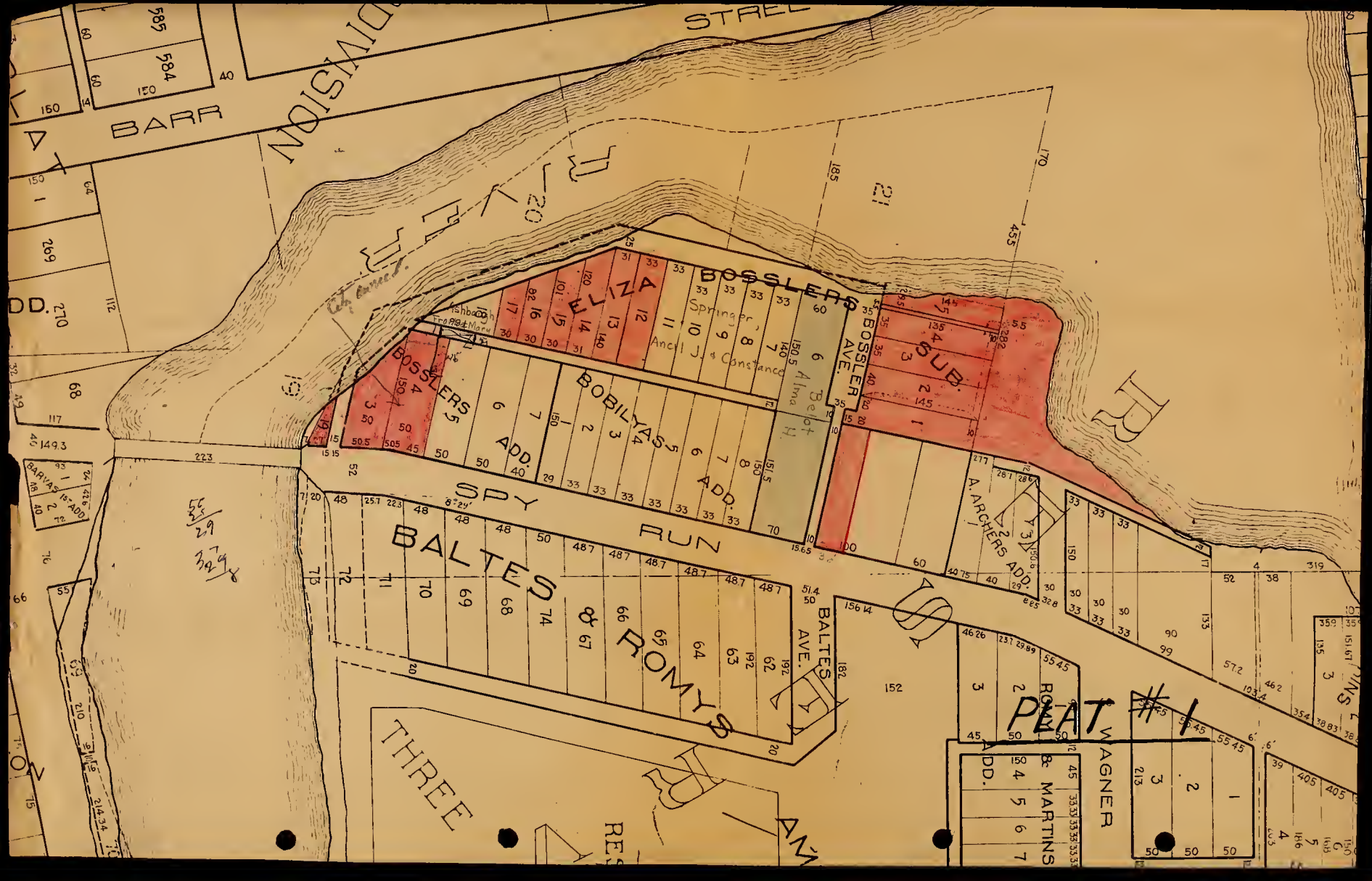
CITY OF FORT WAYNE, INDIANA

By Its Board of Public Works

  
William Karbach, Inspector

WBM:ms





# Improvement Resolution No. 1015 - 1959 For THE OPENING OF AN ALLEY OVER PORTIONS OF LOTS

16, 17, AND 18 IN ELIZA K. BOSSLER'S SUB.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	CITY OF FORT WAYNE	City Hall		15, 16, 17, 18			ELIZA K. BOSSLER'S SUB
2	" " " "			3			BOSSLER'S ADD.
3	" " " "			4 - exc. W. 45' of N. 8'			"
4	ASHBAUGH, FRANK E. & MARY A.	1119-21 1st St.		4 - W. 45' of N. 8'			"
5	" " " "			5			"
6	WILLIS, LEONARD & EDNA S.	2424 Cherry Lane		6			"
7	" " " "			7 - S. 5'			"
8	BOLLENBACH, LAVERNE	609 Prospect		7 - N. 35'			"
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							
56							
57							
58							
59							
60							
61							
62	NOTICES MAILED OR SERVED						
63	November 24, 1959						
64	By: Beryl Rebling						
65	Attest: P.C.						
			TOTAL				

